

Town of Lamoine, Maine



Established 1870

Lamoine Board of Selectmen Minutes of August 9, 2007

Chair Jo Cooper called the meeting to order at 7:05 PM

Present were: Selectmen Richard Fennelly Jr., Brett Jones, Cynthia Donaldson, Chris Tadema-Wielandt, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Deputy CEO Michael Jordan, Kathleen Rybarz, and School Committee Chair Faith Perkins

Agenda Review – Selectmen noted that the bi-weekly Administrative Assistant's Report was not included in their packets, but was available on-line. No changes to the printed agenda were requested.

Minutes of July 12, 2007 – Selectmen submitted several minor written corrections. Richard moved to approve the minutes as corrected. Brett 2nd.
Vote in favor was 5-0.

Salt/Sand Shed – Stu noted that the DEP had granted a permit and the proper permits have been obtained from the Lamoine Planning board. Cynthia had a question regarding the appeal process from the DEP. Stu said he believes the sheet is routinely enclosed to give notice of the right to appeal. A short discussion followed on the conditions imposed by the DEP.

Stu reported that bid packages were sent to 5-bidders. He said Mr. Walker and Mr. Googins declined to submit bids. He said the bids are due back to Engineer Jim Kiser on August 21st and he should be ready with a recommendation by August 23rd. Selectmen asked to meet at 5:30 PM on the 23rd for the purpose of making the bid award, and to be reminded of the meeting time via e-mail.

Stu said MMA had called regarding supplemental insurance while the construction project takes place and engineer Kiser recommended that. Selectmen asked Stu to clarify what it covers and what the contractor would cover and to get a price for the August 23rd meeting.

School Consolidation – Jo reported that Peter Farragher did not have the time available to commit to being the community representative on the Regional Planning Committee. She said the other two applicants were requested to meet with the Board this evening. Stu reported Richard Davis e-mailed earlier in the day and was unable to attend tonight's meeting.

Jo noted that the two applicants were briefly discussed at the school committee meeting earlier in the week. She noted that Kathleen Rybarz was present.

Chris said he would like to hear Ms. Rybarz's thoughts on the process. Ms. Rybarz said she had been educating herself and has attended two meetings at MDI High School. She said consolidation is a complicated issue. She said she attended this week's school committee meeting in Lamoine. She said she's been reading about other towns and each seems to be in a different place. She noted the school committee filed four options with the Commissioner of Education. She said she's been reviewing the new state law and is trying to get up to speed. She said she's excited to serve and that the issue is hard to explain.

Chris asked why Ms. Rybarz was eager to serve. Ms. Rybarz said choosing the partners for consolidation comes down to either a financial decision or to how things are run and to what towns want. She said she's unsure where the public wants to be. She said she had skills that would work well in the position, including work with a community radio station where she's used to reaching consensus and speaking well to educate the public. She said her only hesitation would be that the other potential candidate, Richard Davis, represents a different demographic. She said she's lived in town 12-years and holds independent political views. Chris asked if Ms. Rybarz had any children in the Lamoine School. Ms. Rybarz said she has a daughter who's a senior at MDI High School and has some experience going through the Lamoine School System. A brief discussion followed about the educational experience at Lamoine.

Chris asked about the time commitment. Ms. Rybarz said she thinks it'll take about 5-hours a week, and that would depend on how many partners Lamoine decides to work with. Chris asked if she was willing to do that. Ms. Rybarz said she is; her job is a 3-day per week part time with somewhat flexible hours.

Jo said the representation issue was discussed at the school board meeting. She said she spoke with Richard Davis and he feels strongly about the issue. She said she felt it would be beneficial for him to be involved, and he could be an alternate or Ms. Rybarz could be an alternate. School Committee Chair Faith Perkins said communities have been interpreting membership in many ways. She said the Regional Planning Committee would have to set the ground rules. She said the delegation would have to decide who votes when votes occur. She said many towns have alternate members, and the school committee had no problem with having an alternate.

Jo said she was impressed with the clarity of Ms. Rybarz's position and respects her point of view. She said Mr. Davis also understood that it has to be a consensus building process and something that will work for the community. Ms. Rybarz said Mr. Davis probably has different views from hers and they need to be heard. She said if one of them missed a meeting, the other would get to vote. She said she would like to be involved in the process.

Cynthia said she was struck by Ms. Rybarz's willingness to work and be the alternate representative. Jo asked what would happen if the four members decided amongst themselves who would be the alternate. Richard said Mr. Davis indicated to him that he really wanted to be a voting member. Jo said she'd like to have both people on board. Brett said he would like to hear Mr. Davis's perspective. Jo said the board did ask Mr. Davis to be here, but his inability to attend should not be held against him.

Brett said he's willing to appoint both people, and later determine who would be the full member. Chris asked if the Board could hear from Mr. Davis. Ms. Perkins said the membership is in flux, and there is work to be done. She said she hopes all four people could meet before August 23rd, the date of the next RPC meeting. She suggested that both be appointed and Mr. Davis could have the opportunity to get up to speed, and the boards could hear from Mr. Davis at a later date.

Jo said she was thinking the community at large representation would be the Selectmen's responsibility, but there are no rules on that. Brett said he would propose that both be a part of the planning committee, and withhold a decision on who's the primary community member until the Board hears Mr. Davis's thoughts. Ms. Perkins said it would be OK to have that discussion after August 23rd. A short discussion followed.

Chris suggested to let both Mr. Davis and Ms. Rybarz go and report back, and let either the RPC group or the school committee decide which would be the voting member. A short discussion of the appointment process followed.

Chris moved to appoint both Kathleen Rybarz and Richard Davis to the Regional Planning Committee with the alternate member and the full member to be determined. Jo 2nd. **Vote in favor was 5-0.**

Ms. Perkins reported the School Committee has filed letters of intent with the Commissioner of Education to keep all options open and say Lamoine is willing to consolidate with some entity. She said there were 4-letters filed, one that maintains a partnership with all the Union 92 towns, one that would have Lamoine join with the Union 98 towns (MDI), one that would include Ellsworth and the Union 92 towns, and one that would include Ellsworth, Union 92, and Union 96 (Sullivan area). She said the RPC is looking at the financial models. She said consolidation is supposed to show savings, but it will be difficult to show savings if salaries are likely to increase significantly. She said a 50-percent reduction in administrative costs is supposed to be shown, and that'll be hard because administrative costs in Union 92 are already low. She said the Superintendent of Schools is working with Ellsworth to show how savings would be realized. She said the MDI group presented six models on how to consolidate. She said all the towns seem to be keeping their options open.

Brett asked if Lamoine would be talking with all four groups. Ms. Perkins said the letters to the Commissioner's office are to keep the options open and to be kept on file. Richard said he's unsure if the numbers are similar to Trenton but there was concern there if that that town joined the MDI group teacher costs could increase \$500,000. He said he's troubled by that and would expect there would be some sort of presentation. Ms. Perkins aid the templates so far do not factor in the higher teacher salary piece. Cynthia said that is being requested. Richard said no matter how the consolidation takes place, the town will have to pay attention to costs.

Brett asked if Union 92 has a block negotiation on teacher salaries. Ms. Perkins said each town is on its own. She said if Lamoine goes with any other school systems into a Regional School Unit (RSU) it will be an issue because salaries in Lamoine are lower than the surrounding towns. She said the Education Commissioner has said that it should not be assumed that all teacher salaries will rise to the highest level in the RSU. Ms. Perkins said she did assume that. She said the most cost effective option at this point was to retain the status quo with Union 92. She said the school union has enough students to populate an RSU under the state guidelines.

Richard said the burden is to demonstrate how to realize savings. He asked if they could show an RSU with just the Union 92 towns would save money and it would not if combined with other towns, how could the state say no? Cynthia said the consolidation of administration is already happening at the school union level and it does save money. A short discussion followed.

Ms. Perkins said it appears the impetus is not saving money, but instead to create a unified curriculum and a unified school calendar. She said she's concerned about a statewide curriculum. Jo asked if Ms. Perkins felt that would not be a positive thing. Ms. Perkins said that would be correct.

Brett said the population has not wrapped its arms around the consolidation idea. Richard said people will focus on the comparative costs. Brett predicted the first time this hits town meeting people will ask "what?". Cynthia said this stemmed from referendum vote that required the state to provide 55% funding. A short discussion followed.

Richard asked if the slow track looks better at this point. Ms. Perkins said probably. She said the law will stay on the books, but there will likely be many amendments in January. Brett asked if there had been any further work on the constitutionality. Ms. Perkins said the Town of Mt. Desert is looking into that. Brett said the politics of this were impressive and disgusting.

Richard asked how the RPC planned to get the pulse of the community as to which option to follow. Ms. Perkins said when it comes time to vote, there will be only one option presented to the community. She said there would be more than

one public forum on the matter. She said there would be plenty of meetings and the minutes or meeting notes from the RPC would be posted on a website. She said the hardest thing would be public education. Chris said there is a history of a board working long and hard on an issue only to have it trashed at town meeting. He said his concern is whether people are really interested. Richard said he believes the majority will vote with their wallets. Ms. Perkins said if this is turned down there would be a severe penalty for the town in the form of reduced state aid.

Carol Korty asked about teacher contract negotiations. Stu explained briefly how the negotiations work and a short discussion followed about teacher contracts.

Cynthia said she wrote up a report following the initial RPC meeting. She asked how the board wanted her to report back and what they wanted copies of. She asked for clarification of the expectations and whether the entire RPC membership from Lamoine should attend Selectmen meetings. Jo said that would not be fair. Richard said he'd like to get an update every Selectmen's meeting. Jo said as long as they get some report that would be good. Chris said one person would be plenty. Richard said he'd like to be able to get a pulse on where things stand and he would like to be as up to date as possible so he could speak intelligently if he's asked questions.

Cynthia said this was quite a lot of pressure to put on people. She asked that the board keep her informed on what information they would like. Brett said he'd like to see a summary, and data. The Board briefly reviewed the templates handed out at the first RPC meeting.

DHHS Request – Citizen ID Station – Cynthia said the proposal from the Department of Health and Human Services sounded like a great idea and it would make it easier for people to obtain a needed service. She said it would benefit people in Lamoine. She said she had no problem with the town office doing that. Stu said he would send in a positive response to DHHS. A short discussion followed on training and how much the service would be utilized.

Cellular Phone Tower – Stu reported things were moving quickly with Verizon. He said he put a draft lease in the Selectmen's packet. Richard said he had concern with section 29 which dealt with restoration of facilities and the ability of the lessee to stop payments after a disaster. Brett said he would like to see a tower stay in place under section 13. A short discussion followed in regard to that section and there was little sentiment about keeping a tower should the lease terminate.

Chris asked about the location. Stu said it would be on the hill to the east of the landfill cap. A short discussion followed and Selectmen reviewed a map of the area. Chris asked about the size of the leased premises. Stu said it's

approximately .25 acres. Stu said he did not see any language about co-location for antennas for the municipal services on the tower.

Selectmen discussed a potential date for a special town meeting to have the town grant authority to allow the Selectmen enter into a lease. Selectmen decided on Wednesday, September 19, 2007 at 7:00 PM. Stu said he would prepare a warrant for the August 23rd meeting.

Brett asked if there should be a provision on how to utilize the funds. Stu said that would be a budget decision and a discussion for later.

Closed Mud Flats – Richard said his concerns come from communications he received from Fred Stocking. He said he was surprised to see how much of the town is closed to shellfish harvesting. He said he was troubled by the Mud Creek closure, but the big one is the Skillings River. He said one question is whether the public has been properly put on notice. He said the town is losing flats to harvest and should take positive action to reopen the flats. He said the town needs to make an effort to find the point source for the pollution. He said a biologist informed him that fecal coliform closed the areas, which would come either from human septic or cattle. He said there has to be a malfunctioning system at Eagle Point, and Seal Point Road has some travel trailers near the test point.

Richard said the Code Enforcement Officer should probably take a look at the travel trailers. He said he doesn't know what the basis that might be needed to have the CEO inspect. Chris said the CEO needs to find out if the trailers have holding tanks. He said a walk on Eagle Point could show some problem. Jo said the Board should communicate its concerns to the Local Plumbing Inspector. Selectmen, without objection asked to communicate the request to Dennis Ford for follow up.

Septage Contract – Stu said the Board had requested at the last meeting to renew the end site contract with Haslam Septic and he has made the offer and owner Robert Merchant has signed. Chris asked about insurance. Stu said the Town of Lamoine is listed on the Certificate of Insurance. Chris noted that in paragraph 8 the name needs to change from Howard Haslam to Robert Merchant Jr. Jo moved to sign the contract. Chris 2nd. **Vote in favor was 5-0, the contract was signed.**

Cell Phones – Stu reported the municipal deal with Cingular was ending. He said he was getting prices from Verizon. A short discussion followed about cell phone companies and the quality of coverage in Lamoine.

Road Name – Chris moved to approve the name Tamarack Lane as proposed in a road naming order. Jo 2nd. **Vote in favor was 5-0, Selectmen signed the order.**

Stu noted that correspondence had been received from attorney Peter Roy in regard to Rusty's Lane.

Tax Collectors' Settlements – Jo moved to approve the settlements with the tax collector for the taxes due October 31, 2005 and October 31, 2006, both of said tax commitments having been received in full or sent to lien. Brett 2nd. **Vote in favor was 5-0, the settlements were signed.**

Gott Right of Way – Chris noted some concern about the town meeting article and what the Selectmen were authorized to do. After a long discussion and review of the maps presented to the town meeting, the matter seemed to be clarified. Chris said he would prepare a document for final signature.

Mike Jordan Agreement – Stu said he e-mailed the proposed contract with Mike Jordan to both Mr. Jordan and the Board. He said Mr. Jordan was OK with the proposal. Jo moved to approve. Chris 2nd. **Vote in favor was 5-0, Selectmen signed the contract.**

Snow Plow Contract – Stu said he has been in touch with Nankervis Trucking, and they are willing to sign the contract, they just haven't gotten around to it.

MDOT Transportation – Stu said this does not look to be applicable to Lamoine. Selectmen agreed. Cynthia noted the deadline was August 1st.

Budget Committee Configuration – Stu said he e-mailed Jo's proposal to the budget committee earlier in the day for comment. There was no further discussion

NIMS Compliance – Stu said he attended a session the previous day, and Lamoine seems to be very close to compliance with the exception of training.

Warrant 3 – Selectmen signed expenditure warrant 3 for \$135,180.50. Stu noted he had to transfer \$80,000 from investments to cover the checks, including the school department operations warrants and the fire truck payment.

Cash & Budget Report – Cynthia questioned the total expended for major road projects and asked if the entire road budget was used for the year. Stu said it was just the paving budget – the regular maintenance budget is still available.

Excise Tax Report – Selectmen noted that excise tax collections picked up in the final quarter of the previous fiscal year.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with review of the checking account reconciliation.

Credit Cards – Selectmen said Stu could look into a credit card acceptance system if there is no cost to the town and if there was interest from the using public. Stu said there is at least one request a day whether the town accepts credit cards.

Employee Assistance Program – Selectmen saw no need to participate in the program offered through MMA Health Trust at this time.

Town Office Reconfiguration – Selectmen would like to invite Dennis Riley of Lanpher Associates to meet with them at one of the September meetings to discuss the offer sent to them. A short discussion about the cost of designing the potential reconfiguration followed.

Next Meeting(s) – Selectmen will meet next on August 23rd at 5:30 PM to award the salt/sand shed bids and sign a town meeting warrant. The fall meeting schedule was tentatively set as:

- a. September 6th and 20th
- b. October 4th and 18th
- c. November 1st and 15th
- d. December 6th and 20th

The meeting schedule will be somewhat flexible to accommodate a quorum. Jo noted she was not available November 1st.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6) (a) to discuss a personnel matter regarding a volunteer firefighter. Richard 2nd. **Vote in favor was 5-0 at 9:26 PM, Out at 9:32 PM.**

There being no further business, the meeting adjourned at 9:33 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.